JUSTICE HOLMES DOUBTS IF FRANK HAD FAIR TRIAL

He Renders Informal Opinion, Pointing Out Where There Was Not Due Course of Law.

WRIT OF ERROR IS REFUSED

Feels That He Is Bound by Decision of Supreme Court of Georgia That Motion to Set Aside Came Too

WASHINGTON, November 26 .- Announcement was made by counsel for Leo M. Frank, the Atlanta, Ga., factory superintendent, convicted of the murder of Mary Phagan, that Justice Holmes had refused to issue a writ of error for the Supreme Court to review the case. At the same time Justice Holmes rendered an informal opinion, according to one of Frank's attorneys, in which he stated he had very serious doubts if Frank had had a fair trial, because of the trial taking place in the presence of a hostile demonstra-tion and seemingly dangerous crowd. Application will be made to the en-tire court on Monday for the writ. INFORMAL STATEMENT

OF JUSTICE HOLMES The informal statement by Justice

Holmes follows:
"I understand that I am to assume "I understand that I am to assume that the allegations of fact in the motion to set aside are true. On those facts I very seriously doubt if the petitioner has had due process of law—not on the ground of his absence when the verdict was rendered so much as because of the trial taking place in the presence of a hostile demonstration and seemingly dangerous crowd, thought by the presiding judge to be ready for violence unless a verdict of guilty was rendered. I should not feel prepared to deny a writ of error if I did not consider that I was bound by the decision of the Supreme Court of Georgia that the motion to set aside came too late, and even if I thought that the suggestion of waiver was not enough to meet the constitutional question and the right to bring the case here. I understand from the head note and the opinion that the case was finished when the previous motion for a new trial was denied by the Supreme Court, and, as cases must be ended at some time that east feet the Supreme Court, and, as cases must be ended at some time, that apart from any question of waiver, the second motion came too late. I think I am bound by this decision, even if it reverses a long line of cases, and the counsel for the petitioner were misled to his detriment, which I do not intimate to be my view of the case. I have the impression that there is a case in the weeklery in respect to the state of the State Teachers' Association met at 9:30 o'clock, and was followed at 10 o'clock by the Co-Operative Education Association, which held a reception to its members in respective. the impression that there is a case in which the ground that I rely on as showing want of due process of law was rejected by the court with my dissent, but I have not interrupted discussion with counsel to try to find it, if it, exists."

Attorney Henry Alexander, representing Frank, to-day made public the opinion announced by Justice Lamar in denying the writ last Monday. In this opinion Justice Lamar referred to the decision of the Georgia Supreme Court to the effect that a defendant, having elected to make a motion for a new trial and judgment ienying the same having been affirmed by the Supreme Court, could at there-after make a motion to set aside the erdict on the ground that he had been beent from the courtroom when the erdict was rendered.

POINTS SCORED BY STATE
ARE APPLAUDED BY CROWD In the motion to set aside, it was stated that several times during the trial the crowd, both inside and outside the courtroom, applauded when the State scored a point, those on the outside shouting and hurrahing. Also that, on the last day of the trial, a large and boisterous crowd of several hundred persons gathered around the courthouse and carried the solicitor-general on their shoulders across the eneral on their shoulders across the It was stated that this crowd disperse while the jury delib-but continued its demonstraerated, but continued its demonstrations, all having an effect upon the minds of the jury. It was set forth that, the jury was intimidated by the trial judge, conferring with the Chief of Police of Atlanta and the colonel of the Fifth Georgia Regiment in Atlanta in open court in the presence of the jury, and that the demonstrations actuated the court to request the defendant and his counsel to absent themselves from the courtroom when the verdict was received in open court. It added that, on Saturday, August 23, 1913, the entire press appealed to the trial court to adjourn court that day until Monday, owing to the great public excitement, and that on Monday, when the court met again, the excitement had not subsided.

BATTLESHIP AGROUND

Michigan in No Danger, and Probably Will Float at High Tide.

WASHINGTON, November 25.—The battleship Michigan, which grounded to-day off Cape Henry, is uninjured and in no danger, and probably will be floated at high tide, according to a message to the Navy Department to-night from Captain Niblock, commanding.

The attempt to float her will be made about 3 o'clock to-morrow morning.

Vessel in No Danger.
NORFOLK, VA., November 26.—The battleship Michigan, while en route to Hampton Roads from the Southern drill

grounds before daybreak this morning, grounded about one mile south, southwest of the Tail of the Horse Shoe. She struck about 4 o'clock during a

slight haze.

The vessel is said to be resting easy and in no danger. The weather is favorable and sea moderate. From Cape Henry the Michigan appears to be two miles from shore.

There is a dense haze, and the lights the Michigan appears to be two miles from shore.

There is a dense haze, and the lights on the stranded warship are barely visible from shore.

The naval tugs Patuxent, Patapsco, Ontario and Uneas are standing by the Michigan. They made several unsuccessful attempts to float the ship today. The supply ship Culgoa and two others, whose names could not be learned, are lying a short distance from the stranded vessel.

It was stated at the navy-ward to

It was stated at the navy-yard to-night that the spot where the Michigan is ashore is a sandy hottom. Whether she can be floated without being light-ened, depends, it is said, on how fast she was proceeding when she struck.

FAILS TO SAVE BABY, AND IS FATALLY BURNED

(Special to The Times-Dispatch.)
GATE CITY, VA., November 26.—
While at the springs some distance from her dwelling yesterday, Mrs.
James Powers, of Rye Cove, discovered, that the building was on fire. She rushed to the house and made a fruitless effort to save her baby. She was so severely burned that she probably, will die. ably, will die.

Killed on New Speedway.

OMAHA, NEB., November 26.—Roy
Milner, of Cleveland, the first motorcycle rider to test the new Omaha
automobile speedway which opened today, was killed when he attempted to
take a curve at high speed.

Program for To-Day

The program for the session to be held at 8:15 o'clock to-night in the auditorium of John Marshall High School, under auspices of the Co-operative Education Association,

Co-operative Education Association, follows:

R. C. Stearnes, chairman of the executive committee, presiding.
Annual report—Mrs. B. B. Munford, president.

"Pressing Educational Problems in Virginia":

1. "Closer Supervision of County Schools," J. H. Binford, secretary Co-operative Educational Association.

2. "The Citizen's Part in Public Education," John Garlond Pollard, Attorney-General of Virginia.

3. "Compulsory Education," Superintendent E. C. Glass, Lynchburg.

SECTIONAL MEETINGS.

Numbers refer to rooms in the John Marshall High School Build-ing.

DR. C. ALPHONSO SMITH SPEAKS TO EDUCATORS

(Continued From First Page.) registered at the closing of the convention books for the day.

simultaneous meetings at 9 o'clock in the morning. The executive committee of the State Teachers' Association met at 9:30 o'clock, and was followed at 10 o'clock by the Co-Operative Education Association, which held a reception to its members in room 111.

Ten more divisional meetings went

cation Association, which held a reception to its members in room 111. Ten more divisional meetings went into session at 10:30 o'clock. The division superintendents held a conference at 11 o'clock in the morning at the Chamber of Commerce. The meetings of the congressional district divisions at 12 o'clock completed the activities of the morning.

The department of primary teachers elected the following new officers: Miss Francès Williams, of Lynchburg, president; Miss Elizabeth Pickett, of Norfolk; Miss Bullifant, of Radford and Miss Betty Turnbull, of Chárlottes-ville, vice-presidents, and Miss S. D. Dabney, of Lynchburg, screetary.

The entertainment committee of the elementary teachers' association, in charge of the theatre party which will be given this afternoon at the Empire by the Retail) Merchants' Association, made the request last night that visiting teachers be in their seats at 2:20 o'clock. The local teachers will be taken care of after that hour in order that all visitors may first be accommodated.

Death of James Thom.
MONTREAL, QUE., November 26.—
James Thom, manager in Montreal of
the White Star, Dominion and other
affiliated steamship lines, died at his home, Westmont, to-day at the age of sixty-seven years. He was born in Montreal and had spent his ontire busi-ness life in the steamship business.

The Weather

Forecast: Virginis—Increasing cloud-iness Friday; Saturday unsettled, prob-ably rain and colder. North Carolina—Fair in east, rain in west portion Friday; Saturday rain and colder.

Local Temperature Yesterday.
noon temperature.
P. M. temperature.
P. M. temperature.

Local Observations at S.P. M. Yesterday Temperature, 56; humidity, 51; wind, direction, southwest; wind, velocity, 6; weather, clear.

CONDITIONS I				
(At 8 P. M. E	aste	rn sta	naa	ra Time,)
Place. Ti				
Asheville		62	30	Clear
Atlanta	60	66		
Atlantic City	54	60	44	Cloudy
Boston	54	60		Cléar
Buffalo	52	52	46	P. cloudy
Calgary	30			Clear
Charleston	54	68		
Chicago	58	64	50	
Denver		60	36	Clear
Galveston		66	60	
Hatteras	54	58	44	Clear
Havre		40	33	Clear
Jacksonville .	56	68	42	
Kansas City				
Louisville	58	54	48	Cloudy
Montgomery .		66		Cloudy
New Orleans.	64	64	56	Rain
	54	60.	10	
New York				Clear
Norfolk	56	68	42	P. cloudy
Oklahoma	52	54	48	Cloudy
Pittsburgh	54	60	44	Clear
Raleigh	58	68 .		Clear .
St. Louis		66	48	P. cloudy
San Francisco.		64	50	Cloudy
Savannah		66		Clear
Spokane	48	52	36	P. cloudy

FATAL MOTORCYCLE RACE

One Rider Is Killed and Two Serious!

SAVANNAH, GA., November 26 .- One rider was killed and two others seriously injured, one probably fatally, in the second annual 300-mile motorcycle race here to-day over the Savannah motor race course. The dead: Gray Sloop, Mooresville, N. C., neck,

back, hip and leg broken.

back, hip and leg broken.

The injured:
Z. D. Kelly, Savannah, left leg crushed and serious internal injuries; recovery doubtful.

K. H. Verrill, Chicago, badly bruised and lacerated and skull fractured. Physicians believe he will recover.

The race was won by Lee Taylor of The race was won by Lee Taylor, of Middleton, Ohlo, who completed the twenty-seven laps in 5.9232. Joseph Wolters was second, and Irving Jenke, of Milwaukee, third.

of Milwaukee, third.

There were thirty-three entrants.
Sloop's death resulted when he lost control of his motorcycle, ran over a mall embankment and crashed headlong into a tree. He was dead when aid reached him.

aid reached him.

Kelly was injured when he struck a tree while rounding a curve. He was thrown fifteen feet, his machine falling on top of him. Verrill crashed into a machine ahead of him, and was thrown with terrific force to the ground. The other rider was not hurt.

AIRMEN INSTRUCTED NOT

TO CROSS SWISS TERRITORY
LONDON, November 26.—Winston
Churchill, First Lord of the Admiralty, replied in the House of Commons to-day to allegations that French
and British aviators in a recent raid
on the Zeppelin factory at Friedrichshafen had crossed Swiss territory.
"Aviators flying at high altitudes,"
he said, "find it almost impossible to
determine the course they are taking.

he said, "find it almost impossible to determine the course they are taking. However, the British airmen who made the recent attack upon the Zeppelin factory had explicit instructions to avoid crossing neutral territory. They carried maps indicating the course which they were to follow."

Mr. Churchill added that no agreement had been reached at the Paris conference regarding passage of belligerent aircraft over neutral countries.

MORNINGSTAR DEFEATS YAMADA 300 TO 197

Ora Morningstar defeated Koji Ya-mada in the Billiard Players' League championship at the St. Elmo parlor last night by the score of 300 to 197. Morningstar made high run, 74, and closed the game with an unfinished run of 55. Yamada tallied 53 for his high

MINISTER MAY BRING PEACE SUGGESTIONS

Van Dyke Suid to Bear Plans Outlined by Queen Wilhelmina to End War.

WASHINGTON, November 26 .- The profound mystery the State Department has made over the sudden coming to America of Henry Van Dyke, United States minister to the Netherlands, was penetrated to-day, when it was reported that he was to bring Washingon peace suggestions for the ear of the President alone.

It leaked out that Mr. Van Dyke has sent a letter to the President's secretary, asking to see the President on Saturday. The audience will be given either on Saturday or next week.

Mr. Van Dyke, according to the understanding here, is to bring word from Queen Wilhilmina, of Holland, outlining a plan whereby the Netherlands government and the United States ask all other neutral powers to join in an effort to end the European war.

Exactly how Mr. Van Dyke's mission will strike the administration is problematical. It is considered reasonably clear that President Wilson and Secretary of State Bryan will not take the initiative again for at least some time. Mr. Bryan has remarked within the last twenty-four hours that no warring nation has made overtures of peace on its own behalf, and that suggestions of peace have come to this government from none of the nonbelligerents.

Additional interest is given to the renewal of the peace talk by the equally mysterious business to this country of P. Ostberg, a special messenger of the Swedish King. The theory at the State Department is that what the messenger has is of such importance that it could not be intrusted to mall or cable. Mr. Ostberg is expected shortly to make a call at the White House.

All of the diplomats who spoke today about Mr. Van Dyke's visit, said that it undoubtedly had elements of vital character. It leaked out that Mr. Van Dyke has sent a letter to the President's secre-

TAX LAW INTERPRETED Ruling of Interest to All Railroads is Issued.

WASHINGTON, November 26 .-- A ruling of interest to all railroads was issued to-day by the Bureau of Internal Revenue, interpreting the provislon of the war tax law relating to the levy of 1 cent on all manifests, bills of lading or other evidences of the receipt and forwarding of shipments. The law requires such evidence of receipt on all shipments where the charge is over 5 cents, but the bureau announces that "a literal compilance with this requirement is 10 some cases improved."

that "a literal compliance with this requirement is in some cases impracticable or impossible."

"Therefore, it is hereby provided," says the ruling, "that where freight is accepted at nonagency stations, it must be receipted for by conductors accepting it. He must see that an internal revenue stamp of 1 cent denomination is attached to receipts and canceled as required by these regulations before such shipments are accepted."

The ruling provides, however, that in

St. Elmo parior, to which-Manager Albano invites the public. There will be no charge for admission.

ACTOR-AVIATOR WOUNDED

IN SERVICE OF ENGLISH

LONDON, November 26.—Robert
Loraine, the English actor and aviator, who is a second lleutenant in the British flying corps, has been wounded. Mr. Lorraine, one of the earliest of English aviators, narrowly escaped death in a flight across the Irish Sea three years ago.

Liberal Subscriptions

To FRENCH DEFENSE BONDS

PARIS, November 26.—Subscriptions or in other cases where such receipts to the short-term 5 per cent national defense bonds amounted to-day to 700,009,000 francs (\$140,000,000 francs (\$140,000,000 francs (\$140,000,000 francs in treasury bonds already are in circulation.

The miling provides, however, that in case of shipments are accepted."

The ruling provides, however, that in case of shipments of perishable nature, or in other cases where such receipts amounted to the short-term 5 per cent national defense bonds amounted to-day to 700,009,000 francs (\$140,000,000 francs in treasury bonds already are in circulation.

The Minister of Finance submitted to the Cabinet a decree raising to the Cabinet a decree raising to the consignee. Baggage checks for the transportation of bicycles, dogs, baby carriages, etc., will be regarded as evidences of receipt, and should be stamped.

HUNGRY THANKSGIVING Day Finds 7,000,000 People Starving in Belgium.

NEW YORK, November 26 .- This Thanksgiving Day found 7,000,000 starving persons in war-swept Belglum crying out for bread and only half enough food on hand to appease their hunger. Three thousand tons of food are required each day to feed the sufferers, yet to date the United States, upon which the Belgians must depend in the main for sustenance, has furnished less than half that amount.

The foregoing epitomizes a statement issued to-day by the American ment issued to-day by the American commission for relief of Belgians, carrying a plea for food for inhabitants of the stricken land. A cable from H. C. Hoover, chairman of the London commission, declared the situation desperate, and urged immediate assistance. Hoover said the commission was sending several ships to the Atlantic seaboard, trusting that Americans would fill them with supplies.

The Middle States are leading in contributions, the commission says.

The South, even though it suffered from the war, is helping, too. Alabama will send a shipload of provisions from Mobile about December 15. Flour will be sent in cotton sacks, and when the

be sent in cotton sacks, and when the sacks are empty they can be turned into clothing. Virginia is preparing a cargo of food for January shipment.

Washington—Grymes.
[Special to The Times-Dispatch.]
FREDERICKSBURG, VA., November 28.—Henry T. Washington and FREDERICKSBURG, VA., November 28.—Henry T. Washington and Miss Mary Stewart Grmyes, both of King George County, were married last evening at St. Paul's Episcopal Church at King George Courthouse. The bride was given away by her father, William D. Grymes. The matrons of honor were Mrs. H. Roy Stewart and Mrs. Richard H. Stewart. The bridesmaids were Miss Sue Wash-Stewart and Mrs. Richard H. Stewart. The bridesmaids were Miss Sue Washington and Miss Estelle Berry. William Washington acted as best man. The ushers were Lewis Washington, Charles Berry, Wilkins Taylor and Dr. Vivian Berry, Mrs. V. O. Caruthers rendered the wedding music, and the ceremony was performed by Rev. Mr. Prentiss, of Colonial Beach.

. Lashley—Steed. [Special to The Times-Dispatch.]
LAWRENCEVILLE, VA., November
26.—Lawrenceville people received announcements to-day of the marriage nouncements to-day of the marriage of John Barham Lashley to Miss Helen Mildred Steed, in Norfolk, on Wednesday. Mr. Lashley is assistant cashler of the First National Bank here, and Miss Steed is one of the teachers in the Lawrenceville High School. Her home is in Brunswick County. They will be at home in Lawrenceville after December 1 December 1.

"The Thinkers of the

Country Are the

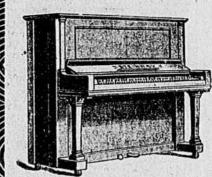
said one of the greatest thinkers

this country ever produced.

Tobacco Chewers"-

Anna Pavlowa Prefers the Steinway Piano to All Others

WHY? Simply because there is no other piano in the world that can even compare with the wonderful Steinway.



Anna Pavlowa, who appeared at the Academy last night, and all the other great musical authorities and singers prefer the Steinway to any other Piano in the world, beacuse of its sweet, resonant tone. the perfection of its action and its lasting qualities and beautiful case.

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your Piano be guided by the judgment of these great artists. They have tested all the leading Pianos, and they are agreed that the Steinway is the world's best-the ONE PIANO that reigns supreme.

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urblus and Profits : ...\$1,550,000 00 (Note the Proportion.)

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